



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

June 10, 1998

Captain Robert Taylor  
Amarillo Police Department  
200 S.E. Third Avenue  
Amarillo, Texas 79101-1514

OR98-1421

Dear Captain Taylor:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 116370.

The Amarillo Police Department (the "department") received an open records request for two particular incident reports: Incident Report No. 98-18935, relating to the possession of illegal drugs, and Incident Report No. 98-18934, relating to the unauthorized use of a motor vehicle. You contend that, except for the categories of information specifically made public in *Houston Chronicle Publishing Company v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976), the requested reports are excepted from required public disclosure pursuant to section 552.108(a)(1) and 552.108(a)(2), respectively, of the Government Code.

Section 552.108(a)(1) of the Government Code, as amended by the Seventy-fifth Legislature, excepts from required public disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if . . . release of the information would interfere with the detection, investigation, or prosecution of crime." Because you have informed us that Incident Report No. 98-18934 pertains to a pending criminal investigation relating to drug possession "and is awaiting results from a laboratory," we conclude that you have met your burden of establishing that the release of the information at issue could interfere with law enforcement or prosecution. The department therefore may withhold this incident report, except for the "basic information" about this offense, pursuant to section 552.108(a)(1).

You seek to withhold the other report, Incident Report No. 98-18935, pursuant to section 552.108(a)(2), which excepts from public disclosure "information that deals with the detection, investigation, or prosecution of crime only in relation to an investigation that did not result in conviction or deferred adjudication." Based on your representation to this office that the prosecution of unauthorized use of a motor vehicle concluded without a conviction or deferred adjudication, we conclude that the department may withhold this incident report, except for the basic information, pursuant to section 552.108(a)(2).

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Kay Hastings  
Assistant Attorney General  
Open Records Division

KHH/RWP/rho

Ref.: ID# 116370

Enclosures: Submitted documents

cc: Mr. Stephen McKinney  
P.O. Box 33301  
Amarillo, Texas 79120  
(w/o enclosures)